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Message Text

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PAGE 01 VIENNA 00604 241100Z

11
ACTION SCS-03

INFO OCT-01 EUR-12 ISO-00 H-01 NEA-09 SCA-01 /027 W
---------- 023362
P 240936Z JAN 75
FM AMEMBASSY VIENNA
TO SECSTATE WASHDC PRIORITY 4619

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EO 11652: NA
TAGS: OGEN, AU (RETEK, SAMUEL)
SUBJ: SAMUEL RETEK, ISRAELI CITIZEN

REF : (A) STATE 012143; (B) VIENNA 10544; (C) STATE 277722

1. EMBASSY ASSUMES DEPARTMENT HAS STRESSED TO INTERESTED U.S. PARTIES THE FACT THAT RETEK'S STATUS AS ISRAELI CITIZEN MAKES IT EXTREMELY DIFFICULT FOR U.S. GOVERNMENT (EMBASSY) TO MAKE INQUIRIES (DISCREET, INFORMAL, OR OTHERWISE) OF AUSTRIAN AUTHORITIES REGARDING RETEK'S PERSONAL STATUS, STATUS OF INVESTIGATION, RIGHT TO BAIL, ETC.

2. HOWEVER, IN VIEW OF ACTION REQUESTED BY DEPARTMENT'S PARAGRAPH 3 OF REFTEL (A), EMBASSY HAS SUCCEEDED ON BASIS OF FRIENDLY PERSONAL RELATIONSHIP IN OBTAINING FOLLOWING INFORMATION RE RETEK CASE. INFORMATION CONTAINED STATE 012143 INACCURATE. INVESTIGATING JUDGE DR. SCHOEN HAS NOT RPT NOT COMPLETED INVESTIGATION, NEITHER HAS HE AT THIS JUNCTURE INDICATED WILLINGNESS TO RELEASE RETEK ON BAIL. ADDITIONAL CHARGES AGAINST RETEK MAY DEVELOP AS INVESTIGATION CONTINUES. INFORMANT UNAWARE THAT ANY ANTI-RETEK PRESSURE HAS, IN FACT, BEEN EXERTED ON PROSECUTOR'S OFFICE FROM OTHER ELEMENTS OF AUSTRIAN GOVERNMENT. SUGGESTED STRONG DEMONSTRATION OF OUTSIDE INTEREST (PRESUMABLY RECOMMENDED BY DEFENSE COUSEL) IS KNOWN BY EMBASSY TO BE STANDARD PLOY USED BY LOCAL ATTORNEYS WHEN FRUSTRATED BY LACK OF SUCCESS OF OWN EFFORTS UNDER REGULAR JUDICIAL PROCEDURE. THERE IS NO INDICATION THAT RETEK'S HEALTH IS IN JEOPARDY, AND BAIL IS STRONGLY OPPOSED AT THIS POINT BECUASE OF CONCERN OVER POSSI-
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BILITY OF RETEK'S EFFORTS TO OBSTRUCT JUSTICE BY INFLUENCING

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WITNESSES OR TAMPERING WITH OTHER EVIDENCE. ON SUCH GROUNDS A SUSPECT MAY BE DETAINED FOR UP TO THREE MONTHS UNDER AUSTRIAN LAW PENDING INVESTIGATION (RETEK WAS ARRESTED DEC 6, 1974). THERE IS SLIGHT POSSIBILITY THAT RETEK MAY SUCCEED IN POSTING BAIL ON/AFTER FEB 20. (FYI: CERTAINLY NO PARTY IN US COULD GUARANTEE THAT RETEK WOULD OR COULD NOT FLEE AUSTRIA FOLLOWING HIS RELEASE ANY MORE THAN AN AUSTRIAN OR ANYONE IN EUROPE COULD GUARANTEE THAT A DEFENDANT FREE ON BAIL IN US WOULD NOT FLEE JURISDICTION.)

3. EMBASSY HAS LEARNED THAT DR. RUDOFSKY'S REPORT HAS REACHED FONOFF, AND HAS RE-STRESSED FACT THAT ALL INTERESTED PARTIES IN CASE, INCLUDING CONGRESSMEN, WERE MAKING INQUIRIES AS PRIVATE CITIZENS INQUIRING ON BEHALF OF PERSONAL FRIEND OR ACQUAINTANCE SOLELY ON HUMANITARIAN GROUNDS, AND THAT USG WAS MAKING NO EFFORTS TO INTERFERE WITH WHAT IS PROPERLY AN INTERNAL JUDICIAL MATTER IN AUSTRIA. EMBASSY HAS COMPLETE CONFIDENCE IN WESTERN-DEMOCRATIC, EFFICIENT AUSTRIAN JUDICIAL SYSTEM. KNOWS OF NO CASE IN WHICH AMERICAN RECEIVED TREATMENT DIFFERENT FROM THAT ACCORDED AUSTRIAN IN SIMILAR SITUATION.

4. ISRAELI EMBASSY HAS REPORTEDLY MADE NO RPT NO INQUIRY CONCERNING RETEK (WHICH MAKES IT ALL THE MORE PUZZLING TO AUSTRIAN AUTHORITIES IN LIGHT OF THE UNUSUALLY STRONG INTEREST NOW DISPLAYED BY PARTIES IN US). FYI: THERE WAS INTIMATION THAT JUDICIAL AUTHORITIES IN ISRAEL MAY THEMSELVES IN FACT HAVE SOME INTEREST IN MR. RETEK AND HIS ACTIVITIES.

5. CONGRESSMEN GILMAN AND ROSENTHAL INTERESTED. HUMES

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